

FILED

1-31-08

JAN 31 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Judge Blanche M. Manning
United States District Court

UNITED STATES OF AMERICA)

VS.)

PHILLIP GERALD WEST)

No. 73-CR-127

Judge Manning

Emergency
**PETITION OF THE DEFENDANT TO EXPUNGE ARREST PHOTO &
FINGERPRINTS AND SEAL COURT RECORDS**

Now comes the Defendant, Phillip Gerald West by and through his attorney,
James I. Marcus and in support of this petition states:

1. On November 28, 1972, Phillip Gerald West was indicted in the Western District of Missouri for transporting a stolen vehicle in interstate commerce in violation of 18 USC 2312.
2. Pursuant to Rule 20 FRCrP, the case was transferred to the Northern District of Illinois on February 6, 1973 for plea and sentencing.
3. On March 9, 1973 the defendant Phillip Gerald West entered a plea of guilty to the single count of the charged offense.
4. On March 28, 1973, the defendant Phillip Gerald West was sentenced to 18 months probation pursuant to the Federal Youthful Offender Statute 18 USC 5010(a).
5. The defendant Phillip Gerald West having completed all conditions of his probation was granted early termination from probation on July 29, 1974. It was further ordered that his conviction should be set aside pursuant to 18 USC 5021(b).
6. The Youthful Offender Statute provides in part, that the defendant's arrest photo and fingerprints be removed from FBI files upon successful completion of defendant's probation and that the District Court Clerk should reflect that his conviction has been set aside. Neither of these conditions of the Youthful Offender Statute has been met.

WHEREFORE, the Defendant Phillip Gerald West prays that this Court enter an order directing the FBI to expunge his arrest photo and fingerprints from their files and further direct the Clerk of the Court to correct its records to show that the defendant's conviction has been set aside or in the alternative that the Clerk seal his file.

s / James I. Marcus
By: James I. Marcus

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CERTIFICATE OF SERVICE/FILING

I hereby certify that on January 22, 2008, I filed Petition of the Defendant to Expunge Arrest Photo and Fingerprints and Seal Court Records with the Clerk of the Court and will send notification of such filing(s) to the following:

To: U.S. Attorney's Office
219 S. Dearborn St., 5th Fl.
Chicago, Illinois 60604

Respectfully submitted,
DZIEDZIAK & MARCUS, P.C.

By: s/James I. Marcus
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